REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Entry of the Amendments Requested

It is submitted that all of the amendments which are proposed above are directed to resolving the § 112 issues and not to limiting the claimed structure in a manner that would differentiate structure and require farther search or consideration as to scope. Entry of these amendments is therefore solicited irrespective of the fact that this response is being made in response to a Final Office Action.

Claim Status/Amendments

Claim 1 has been amended to clarify the claimed subject matter with respect to the art which is applied. Independent claim 63 has also been amended to clarify the subject matter for which patent protection is sought. Support for the amendments is found in the specification taken as a whole.

Rejections under 35 USC § 112

The rejection of:

1) claims 1, 5, 10, 13, 15, 22, 26-27, 31, 34, 38-39, 43 44, 48-51, 57, 61-63 under 35 USC 112, first paragraph, as failing to comply with the written description requirement; and

2) claims 1, 5, 10, 13, 15, 22, 26-27, 31, 34, 38-39, 43 44, 48-51, 57, 61-63 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and both traversed.

In this response, the term "single component" is avoided to avoid the confusion between a multi-constituent (single) body and a mono-constituent (single) body.

Rejections under 35 USC § 103

The rejections of:

1) Claims 1, 5, 13, 15, 22, 26-27, 31, 34, 38-39, 43-44, 48, 57, 61-63 under 35 U.S.C. 103(a) as being unpatentable over Martin et al, U.S. Patent No. 5,972,463 (hereinafter

Martin) in view of Kargol et al, U.S. patent No. 5,492,662 (hereinafter Kargol) for the reasons set forth in the previous action, and further in view of Hazelton et al, U.S. Patent No. 4,804,577 (hereinafter Hazelton); and

2) Claims 7, 10, 49-51 under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Kargol and Hazelton as applied to claims above, and further in view of Insley et al, U.S. Patent No. 5,451,437 as set forth in the previous action;

are both traversed.

In these rejections it is advanced that Martin differs from the claimed invention because Martin employs fibers which preferentially have a sheath/core or side-by-side configuration, while the instant claims recite a "single component" structure, which is interpreted as a blend of polymers. However, as note above, the confusion that accompanies the use of the term 'component' is removed by the proposed claim amendments.

It is submitted that the claimed structure should be interpreted as single body having two resin constituents. While Martin very briefly discloses that the fibers can solid, hollow, or porous and straight or helical, spiral, looped, coiled, sinuous, undulating, or convoluted, there is nothing to suggest that the filaments should not be one of the side-by-side (or side-side) bicomponent filaments or, preferably, sheath-core (or sheath/core) bicomponent filaments. Clearly this is the main thrust of this patent and will be understood by the reader of ordinary skill as being such.

Hazelton is asserted as teaching that nonwoven fabrics with improved extensibility, texture and hand can be formed by employing fibers which are a blend of a polymer such as a polyolefin or a styrene butadiene styrene with another polymer such as a vinyl acetate polymer. See abstract and col. 2, line 45 — col. 3, line 51. Therefore, it is advanced in this rejection that it would have been obvious to have employed fibers having a blended structure as the multi constituent fibers of Martin, motivated by the teaching of Hazelton, that using the blended fibers improved the extensibility, texture and hand of the resulting fabric.

However, it is submitted that it is conclusatory to assert that the extensibility, texture and hand of the resulting fabric will be improved in the manner advanced above. Some support for this conclusion is deemed necessary otherwise it amounts to nothing more than an unsupported supposition.

It is noted that this rejection is silent as to the role that the teachings of the Kargol et al.

(hereinafter Kargol) reference play. The disposition of the fibers in Kargol is such as to effect a change in the desired density, while Kargol does this, this does not necessarily render it obvious to use this technique in Martin. Martin is directed to forming floor matting, cushioning (presumably for floors – note the very limited disclosure pertaining to this cushioning aspect of the Martin product) and abrasive articles.

Accordingly, a change in density in floor matting would seem to be amount to a drawback and would tend to be avoided. As to abrasive articles, the same would seem to hold. Why bother with deliberately changing the density of the article without some reason to consider the same?

This would seem to invite unwanted uneven wearing during its use. It would therefore seem to be reason found in Martin not to use the change in density that is suggested in Martin.

A further problem that is encountered with the proposed combination of Martin and Kargol is that with Kargol, at least a portion of the polymeric fibers which comprise the body is required to be coated with a fusable polymeric material for creating bonds between the polymeric fibers (see column 3, Lines 51 to 53). This must be compared with the disclosure of Martin which suggests that the filaments are self-bonded to one another by heating an aggregation thereof – see column 4, lines 30-39.

Thus, the teachings of these two references tend to clash in that one indicates a bonding agent is necessary while the other is not. Indeed, it is not seen that the hypothetical person of ordinary skill would bother with the teachings of Kargol once having considered the simpler connection technique used in Martin. Further the difference in the densities may hinge on the use or non-use of the bonding agent that appears necessary in the Kargol arrangement.

There is therefore, no reason to complicate issues and increase the cost of production required to add the additionally bonding material prior heating. This taken with the lack of any requirement in Martin that a deliberate variance in density be incorporated into the product to which Martin is directed, attenuate any chance of a ready combination of Martin and Kargol being entertained by the hypothetical person of ordinary skill.

As to the issue raised by the examiner that the embossing that is disclosed in Martin et al. being such as affect bulk density, an electronic review of this reference has revealed an absence of any disclosure that embossing in fact has any affects on bulk density and thus request reconsideration of this position.

Conclusion

None of the proposed combinations are such as to lead to the claimed subject matter. Therefore, it respectfully submitted that the claims as they have been amended/newly added, are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

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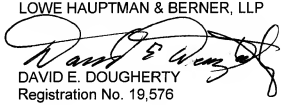

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